



1652

#16/1/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Short, et al.

Art Unit : 1652

Serial No. : 09/866,379

Examiner : Delia M. Ramirez, Ph.D.

Filed : May 24, 2001

Title : RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF

Commissioner for Patents

P.O. Box 2327

Arlington, VA 22202

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed for filing in the above-referenced patent application is a Form PTO-1449, being submitted after a first Office action on the merits, but before receipt of a final Office action or a Notice of Allowance. Applicants respectfully request consideration of the remarks and references set forth herein.

The following documents are enclosed herewith:

- Form PTO-1449, newly filed
- Postcard
- copy of cited reference

RECEIVED
FEB 24 2003
TECH CENTER 1600/2900

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

Applicant : Short, et al.
Serial No. : 09/866,379
Filed : May 24, 2001
Page : 2

Attorney's Docket No.: 09010-029006 / DIVER1370-7

REMARKS

The reference cited on attached form PTO-1449 is being called to the attention of the Examiner. A copy of the reference is enclosed. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the reference be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

The enclosed document listed on the herewith Form PTO-1449 was cited in "Summons to Attend Oral Proceedings Pursuant to Rule 71(1) EPC" issued in a foreign counterpart application not more than three months ago. To the best knowledge of the undersigned, this is the first citation of this item in any communication from a foreign patent office in a counterpart foreign application.

Applicant believes that no fee is required for submission of this statement, since it is being submitted within three months of being issued in a foreign counterpart application. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 06-1050. If necessary, please deduct any necessary additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Applicant : Short, et al.
Serial No. : 09/866,379
Filed : May 24, 2001
Page : 3

Attorney's Docket No.: 09010-029006 / DIVER1370-7

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 678 5070.

Respectfully submitted,

Date: 2/12/2003



Mi K. Kim
Reg. No. 44,830

Fish & Richardson P.C.
4350 La Jolla Village Drive, Suite 500
San Diego, California 92122
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Substitute Form PTO-1449
(Modified)U.S. Department of Commerce
Patent and Trademark OfficeAttorney's Docket No.
09010-029006Application No.
09/866,379**Information Disclosure Statement
by Applicant**

(Use several sheets if necessary)

(37 CFR §1.98(b))

Applicant
Short, et al.Filing Date
May 24, 2001Group Art Unit
1652**U.S. Patent Documents**

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

RECEIVED

FEB 24 2003

TECH CENTER 1600/2900

Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	AQ	Golovan et al., Characterization and overproduction of the <i>Escherichia coli</i> <i>appA</i> encoded bifunctional enzyme that exhibits both phytase and acid phosphatase activities", <u>Canadian Journal of Microbiology</u> , Vol. 46, No. 1, pp. 59-71, January, 2000
	AR	
	AS	
	AT	

Examiner Signature

Date Considered

EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.